

Pollution Control or Abatement Flexibility Act

Summary

The Pollution Control or Abatement Flexibility Act is designed to encourage the development and use of innovative technology that improves environmental protection. The Act would reduce regulatory burdens by letting a state environmental agency enter into a contract with a regulated entity allowing the alternative methods of compliance with a statute or state agency rule requiring the control or abatement of pollution. Key components include: requiring the alternative method to be at least as protective of the environment and the public health as the statute or agency rule that would otherwise apply, that the method not be inconsistent with federal law, and that the contract clearly specify the alternative method of compliance to ensure enforceability.

Section 1. {Short title} This act shall be known and cited as the Pollution Control or Abatement Flexibility Act.

Section 2. {Statement of Purpose}

The purpose of this act is to allow the {insert state environmental agency} to enter into a contract with a regulated entity to allow for alternative methods of compliance with a statute or state agency rule requiring the control or abatement of pollution.

Section 3. {Regulatory Flexibility}

(A) The {insert state environmental agency} by order may enter into a contract to allow the regulated entity to comply with a statute or agency rule requiring the control or abatement of pollution if the regulated entity proposes to control or abate pollution by an alternative method or alternative standard that the {insert state environmental agency} determines:

(1) at least as prospective of the environment and the public health as the method or standard prescribed by the state or agency rule that would otherwise apply; and
(2) not inconsistent with federal law.

(B) The agency by rule shall specify the procedure for entering into a contract under this section. The rules must provide for public notice and for public participation similar to that required under the statute or rule that would otherwise apply.

(C) The agency's order must provide a specific description of the alternative of the alternative method or standard and must condition acceptability of the alternative method of compliance upon the method or standard described by the order.

(D) The agency by rule may establish a reasonable fee to enter into a contract allowing for an alternative method of compliance under this section.

(E) A violation of an order issued under this section is punishable as if it were a violation of the statute or rule that would otherwise apply.

Section 2. {Severability clause}

Section 3. {Repealer clause}

Section 4. {Effective Date}